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TO EXAMINER: SUSAN UNGAR

ART UNIT: 1642

SERIAL NUMBER: 09/024,988 NELSON et al

FAX/TELECOPIER NUMBER: (703) 305-3704

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NELSON et al  
SERIAL NO.: 09/024,988  
FILED: February 17, 1998  
FOR: MASS SPECTROMETRIC IMMUNOASSAY

ATTORNEY DOCKET NO. 5015-C1  
GROUP ART UNIT 1642  
EXAMINER: Susan Ungar

#4  
Dey  
7/17/99

## COMMUNICATION BY FAX RESPONSE

703/305-3704

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Official Action dated June 4, 1999 (Paper No. 3), kindly consider the following remarks and proceed with the examination.

## REMARKS

Claims 31-47 are in issue. The Examiner's Action will now be considered.

The Examiner has placed this application under a Restriction Requirement subject to applicant's right of traverse which is hereby expressly reserved.

Accordingly, pursuant to 35 U.S.C. §121, applicants hereby provisionally elect the species designated by the Examiner as group (b)(b) and which is embraced by claims 33, 40 and 47 as well as generic claim 31 for purposes of complying with the action.

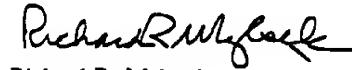
Applicants respectfully submit, however, that their right to embrace multiple species within the umbrella of an allowable generic claim should not be impaired by overly pedantic hyperbolization, particularly in view of the highly oppressive burden placed on small entities by the current maintenance fee requirements which are magnified if and when multiple patents are required for closely related, albeit technically distinctive, patent claims.

5015-C1

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The Examiner is respectfully invited to proceed with her examination.

Respectfully submitted,



Richard R. Mybeck  
Reg. No. 17,886

July 2, 1999  
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Date: July 2, 1999



Richard R. Mybeck  
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